

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELECTRONIC ENVIRONMENTS CORPORATION,

Plaintiff,

v.

Case No. 05-11093 NG

JAMES M. EMMING,

Defendant.

**DEFENDANT'S EMERGENCY MOTION TO EXTEND THE TIME
FOR DEFENDANTS TO RESPOND TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

NOW COMES the Defendant, James M. Emming, by his undersigned attorneys, and hereby moves the Court, at a date and time to be set by the Court, for an Order extending Defendant's deadline to file a brief and supporting affidavits opposing Plaintiff's Motion for Preliminary Injunction until fourteen days after the latter of any of the following: (1) the Court decides Plaintiff's Motion to File Responses to Requests for Admission Out of Time; (2) Defendant completes necessary discovery, including review of documents yet to be produced by Plaintiff and completion of all necessary depositions; and (3) Plaintiff complies with the Magistrate Judge's order requiring the parties to have a serious and substantive discussion about potential resolution of this case.

The grounds for this Motion are set forth more fully in the Affidavit of Lori M. Lubinsky.

Dated this 31st day of October, 2005.

DAVIS, MALM & D'ANGOSTINE, P.C.

/s/ Gary M. Feldman

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